

11 Please File In Case

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA  
Harrisburg District

JOHN RICHARD JAE,  
Plaintiff,

VS.

DR. ROBERT CLARK,  
MARTIN L. DRAGONICH,  
JOHN A. PALAKOVICH,  
ROBERT N. NOVATNEY,  
MICHAEL J. KAZOR, and  
JOHN ANDRADE,  
Defendants.

Civil No. 1 = CV-00-10  
U.S. District Judge R  
Magistrate Judge S

SEP 18 2000

MARY L. D'ANDREA, CLERK

Per 9/18

MOTION FOR DEFAULT JUDGMENT

Plaintiff John Richard Jae, pursuant to Fed. SS(a), moves this Court to enter a judgment by default against Defendant Dr. Robert Clark only herein

~~for~~ \$50,000.00 and states:

1. A default judgment has been requested to be herein the above-entitled Civil Action against Dr. Robert Clark only for failure to answer or otherwise in this case although more than 83 days/has now elapsed since service of a copy of the complaint and a summons upon him.

2. Defendant Dr. Robert Clark is not in the military service as is shown by the accompanying affidavit, herein.

(W) HEREBY, this Court should enter default judgment against Defendant Dr. Robert Clark only for \$50,000.00, herein the Civil Action:

(S)

John Richard  
Plaintiff and Petitioner

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA  
HARRISBURG

JOHN RICHARD DAE,  
Plaintiff,

vs.

DR. ROBERT CLARK,  
MARTIN L. DRAGOVICH,  
JOHN A. PALAKOVICH,  
ROBERT N. NORTNEY,  
MICHAEL T. KAZOR, and  
JOHN ANDRADE,  
Defendants.

CIVIL No. 1:00-CV-10

U.S. District Judge R.  
Magistrate Judge Smy

FILED  
HARRISBURG, PA

SEP 18 2000

MARY E. DANDREA, CLERK  
Per \_\_\_\_\_

AFFIDAVIT FOR ENTRY OF DEFAULT JUDG

Plaintiff and his counsel John Richard Dae, do  
under PENALTY OF PERJURY & PURSUANT to 28 U.S.C. § 1746

1. I am the Plaintiff & his counsel in the above entitled C
2. Defendant DR. Robert Clark, was served with a  
the initial Complaint and a summons on June 22, 2000  
this above entitled CIVIL Action according to the docket
3. Defendant DR. Robert Clark, has not filed an  
answer to the Complaint, any motion permitted by Fed  
nor requested an enlargement of time in which to do  
more than eighty-three (83) days have now elapsed  
date of service.

(S) John Rich  
MR. JOHN R.  
Plaintiff and

MR. John R.  
#BQ-3219

SCI-CAMP H  
P.O. Box 20

Dated/Executed on:

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA  
HARRISBURG

JOHN RICHARD JAE,  
Plaintiff,

vs.

DR. ROBERT CLARK,  
MARIN L. DRAGOWICH,  
JOHN A. PALAKOWICH,  
ROBERT N. NOVOTNY,  
MICHAEL J. KAZOR, and  
JOHN ANDRADE,  
Defendants.

Civil No. 1:00-CV-00-

U.S. District Judge  
Magistrate Judge

FILED  
HARRISBURG, PA

SEP 18 2000

MARY E. D'AMORE, Clerk  
Per \_\_\_\_\_

AFFIDAVIT AS TO MILITARY SERVICE

Plaintiff and his Counsel John Richard Jae declared  
penalty of perjury and pursuant to 28 U.S.C. § 1746, that

1. I am the Plaintiff and his Counsel in the above entitled civil case and  
make this Affidavit pursuant to the requirements of the Soldiers'  
Civil Relief Act, 50 U.S.C., Appendix, § 520.

2. The Defendant Dr. Robert Clark has worked as Chief  
at the State Correctional Institution at Camp Hill since  
was first incarcerated here on October 14, 1998.

3. Based on that fact, the Plaintiff is convinced that  
Dr. Clark is not in the military service of the United States.

Dated/Executed on:  
11th SEPTEMBER 2000:

(s) John Richard Jae  
MR. JOHN RICHARD JAE  
Plaintiff and his Counsel  
MR. JOHN RICHARD JAE  
#BC-3219  
CAMP HILL

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA  
HARRISBURG

JOHN RICHARD DAE,  
Plaintiff,

vs.

DR. ROBERT CLARK, et al.,  
Defendants.

FILED  
HARRISBURG, PA

SEP 18 2000

MARY E. D'ANDREA, CLERK

BRIEF IN SUPPORT OF MOTION FOR DEFAULT JUDGMENT

Plaintiff John Richard Dae, pursuant to M.D. LR 7-  
this court, now files his brief in support of motion for Default Judgment  
this above-entitled CIVIL Action & avers, depose & states:

That, on or about June 19, 2000, Plaintiff filed this above-  
entitled CIVIL Action in this Court against Defendant Dr. Robert Clark, chief  
at the State Correctional Institution At Camp Hill, Camp Hill, Pennsy.

That, on June 21, 2000, the clerk of this Court mailed a copy of  
Initial Complaint, herein, and a summons to Defendant Dr. Robert Clark, herein.

Although more than eighty-three (83) days have now elapsed  
the date of service of a copy of the initial complaint and a summons  
Defendant Dr. Robert Clark, herein, said Defendant has not  
nor served an answer to the complaint nor taken any other action  
as may be permitted by law herein this CIVIL Action.

That, on or about September 7, 2000, Attorney James D. Yocum  
his appearance on behalf of Defendant Dr. Robert Clark, herein,  
but did "not" file or serve any answer or any other motion allowed by law.

That, under Rule 55(a), Fed. R. Civ. P., a failure to file an answer  
prescribed by law to bring a motion raising a Rule 12(b) defense within the  
request an extension of time to file an answer constitutes a failure  
otherwise defend.

Therefore, under the plain meaning of Fed. R. Civ. P. 55(a) &  
given the above failure of Defendant to plead that this Court enter a  
default against Defendant Dr. Robert Clark, herein, this case - (s) -  
MR. JOHN RICHARD DAE  
Plaintiff and



CIV No. 1- CV-00-1090  
CERTIFICATE OF SERVICE

I CERTIFY UNDER PENALTY OF PERJURY THAT ON 9/14/00, I MAILED TO THE PERSONS LISTED BELOW BY WAY OF U.S. FIRST CLASS MAIL, POST PREPAID, A TRUE AND CORRECT COPY EACH OF PLAINT WITH MOTION FOR DEFAULT JUDGMENT, AFFIDAVIT FOR ENTRY OF DEFAULT JUDGMENT, AFFIDAVIT AS TO MILITARY SERVICE AND BRIEF IN SUPPORT OF MOTION FOR DEFAULT JUDGMENT.

I certify under penalty of perjury that on 9/14/00, I took the originals of each of the above-same documents to the prison officials here for mailing to this Court.

MR. James D. Young, Esquire  
 LAVERY, FAHERTY, YOUNG & PATTERSON, P.C.  
 Attorneys At Law  
 P.O. Box 1245  
 Harrisburg, PA 17108-1245

MR. Robert M. White, Jr.  
 Assistant Counsel  
 Pennsylvania Department of Corrections  
 Office of Chief Counsel  
 5501 Ivy Drive  
 Camp Hill, PA 17001

Executed/Dated at:  
 14th SEPTEMBER 2000

At Camp Hill, Pennsylvania

(s) John Richard  
 MR. JOHN RICHARD  
 Plaintiff and Prisoner